

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHELLE COLYER,

Plaintiff(s),

v.

CONVERGENT OUTSOURCING, INC.,

Defendant(s).

Case No. 19-cv-13009  
Honorable Gershwin A. Drain

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**NOTICE OF SCHEDULING CONFERENCE**

You are hereby notified to appear on: Monday, December 9, 2019, at 9:00 a.m. in the chambers of the Honorable Gershwin A. Drain, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Room 751, Detroit, Michigan 48226, for a scheduling conference on the above case.

Counsel are required to confer and submit a Rule 26(f) plan no later than one week prior to the scheduling conference. See Fed. R. Civ. P. 26(f).<sup>1</sup>

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<sup>1</sup> Counsel are expected to attempt to narrow issues in advance. This includes the elimination of claims or defenses that are duplicative or unsustainable given the parties' present state of knowledge. The parties are expected to have withdrawn, without prejudice, any claim and any defense that is not *presently* sustainable under Rule 11 in view of evidence in hand, (*see* Fed. R. Civ. P. Rule 16(c)(1)). Leave to add claims or defenses later are afforded "freely when justice so requires," to a diligent party who only later acquires facts needed to properly state a related claim or an affirmative defense (*see* Fed. R. Civ. P. 15(a)). The court expects action on purported "affirmative defenses" that are a mere prediction of future action (*e.g.* a defenses that the complaint "fails to state a claim," citing Rule 12(b)(6), should ordinarily have already

Counsel shall be prepared to discuss the following at the scheduling conference:

- » A summary of the action and the principal factual and legal issues;
- » The Court's subject matter jurisdiction;
- » Necessity of amendments to pleadings, additional parties, third party complaints, etc.
- » Alternative dispute resolution options; Consent to state case evaluation practice or desire for private facilitation/arbitration;
- » Progress of discovery and expected time required for completion of discovery;
- » Anticipated discovery disputes;
- » Issues which may appropriately be resolved by motion;
- » Consideration of magistrate judge consent jurisdiction or District Court bench trial;
- » Estimated trial length.

A scheduling order will be prepared with counsels' input at the conference.

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generated a motion to dismiss, not a mere boilerplate recitation.

Counsel are directed to discuss with their client's case evaluation options.

Dated: 11/20/2019

s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
November 20, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern  
Deputy Clerk